# Islamic Inheritance and the Allotted Shares for Heirs

Surah Al-Ahzab (33:36) of the Quran states: **"It is not fitting for a Believer, man or woman, when a matter has been decided by Allah and His Apostle to have any option about their decision: if any one disobeys Allah and His Apostle, he is indeed on a clearly wrong Path."** Therefore, every Muslim must make every effort to adhere to the teachings of the Quran and preserve the sunnah of the Messenger of Allah (P.B.U.H.). With this being said, this section addressing Islamic inheritance and the allotted shares for heirs is intended to give the Muslims living in South Carolina an overview of the Islamic laws of inheritance with the aim of ensuring that the established inheritance laws of the State does not infringe upon the rights of those specific heirs outlined in the Quran and sunnah. It is also imperative to keep in mind that prior to addressing the laws of inheritance, the previous three of the four basic duties regarding the deceased, namely, the payment of funeral expenses, the settling of debts, and the execution of their Last Will and Testament must be fulfilled.

Surah Al-Nisa, verses 4:11, 4:12, and 4:176 are the only three verses in the Quran which gives specific details pertaining to Islamic inheritance. These divine verses and the sunnah of the Messenger of Allah (P.B.U.H.) expound upon the laws of inheritance and the allotted shares for specific heirs. Moreover, the premise of inheritance in the Quran is the hadith collected by Bukhari, wherein Jabir narrated that once he was suffering from an illness and was visited by the Messenger of Allah (P.B.U.H.) who had asked for water to make wudu. During the process of the Messenger of Allah (P.B.U.H.) performing his ablution, Jabir temporarily lost consciousness. However, Jabir regained consciousness when the Messenger of Allah (P.B.U.H.) sprinkled some of the water remaining from his ablution over him. Upon awakening, Jabir immediately informed the Messenger of Allah (P.B.U.H.) that he had sisters (perhaps he feared dying from the illness before he could make arrangements to ensure that they would be provided for). As a result, Allah revealed the verses pertaining to the laws of inheritance to the Messenger of Allah (P.B.U.H.). The proof for this fact is the narration of the hadith in question which reads: **"While I was sick, the Prophet (P.B.U.H.) entered upon me and asked for some water to perform ablution, and after he had finished his ablution, he sprinkled some water of his ablution over me, whereupon I became conscious and said, O Allah's Apostle! I have**

**sisters. Then the divine verses regarding the laws of inheritance were revealed**."

In view of the above mentioned information, it is imperative to reiterate that in order to avoid unnecessary problems occurring among heirs after one's death, one must have their financial matters in order, with explicit details pertaining to the aspects of their property; regarding matters as important as one's home to those minor items such as one's can-opener or coffee mug. This course of action is imperative; because, the Quran makes it clear in Surah Al-Nisa (4:7): "**From what is left by parents and those nearest related there is a share for men and a share for women, whether the property be small or large --a determinate share**." Thus, having one's affair in order will ensure that the rights of those entitled to inherit from close relatives will be honored.

The Islamic laws of inheritance outlined in Surah Al-Nisa (4:11-12) of the Quran further states: "**Yooseekumu Allahu fee awladikumlilththakari mithlu haththialonthayayni fa-in kunna nisaan fawqa ithnatayni falahunnathulutha ma taraka wa-in kanat wahidatanfalaha alnnisfu wali-abawayhi likulli wahidinminhuma alssudusu mimma taraka in kanalahu waladun fa-in lam yakun lahu waladun wawarithahu abawahufali-ommihi alththuluthu fa-in kana lahu ikhwatunfali-ommihi alssudusu min baAAdi wasiyyatin**

**yooseebiha aw daynin abaokum waabnaokum latadroona ayyuhum aqrabu lakum nafAAan fareedatan mina Allahiinna Allaha kana AAaleeman hakeeman;"** which transliterates into English as: **Allah commands you as regards your children's (inheritance): to the male, a portion equal to that of two females; if (there are) only daughters, two or more, their share is two-thirds of the inheritance; if only one, her share is a half. For parents, a sixth share of inheritance to each if the deceased left children; if no children and the parents are the (only) heirs, the mother has a third; if the deceased left brothers or (sisters), the mother has a sixth. (The distribution in all cases is) after the payment of legacies he may have bequeathed or debts. You know not which of them, whether your parents or your children, are nearest to you in benefit; (these fixed shares) are ordained by Allah. And Allah is ever All Knower, All Wise (4:11)."**

The key points of verse 4:11 of Surah Al-Nisa include:

- If a man has left children as heirs, a male gets a portion **equal to that of two females** from the inheritance
- If a man has only daughters, two or more, their share is **two-thirds** of the inheritance

- If a man has only one (daughter) and no other children, her share is **half** of the inheritance
- If a man has **left children as heirs**, then each of his parents gets a **one-sixth** share of the inheritance (mother and father get equal shares of the inheritance)
- If a man has **no children** and the parents are the (only) heirs, the mother gets **one-third** of the inheritance
- If a man has left brothers or (sisters), then the mother gets **one-sixth** of the inheritance.

**Walakum nisfu ma taraka azwajukumin lam yakun lahunna waladun fa-in kana lahunna waladunfalakumu alrrubuAAu mimma tarakna min baAAdi wasiyyatinyooseena biha aw daynin walahunna alrrubuAAumimma taraktum in lam yakun lakum waladun fa-in kanalakum waladun falahunna alththumunu mimma taraktummin baAAdi wasiyyatin toosoona biha awdaynin wa-in kana rajulun yoorathu kalalatan awiimraatun walahu akhun aw okhtun falikulli wahidin minhumaalssudusu fa-in kanoo akthara min thalikafahum shurakao fee alththuluthi min baAAdi wasiyyatinyoosa biha aw daynin ghayra mudarrin wasiyyatanmina Allahi waAllahu AAaleemun haleemun;"** which transliterates into English as: **"In that which your wives leave, your share is a half if they have no child; but if they leave a child, you get a fourth of that which they**

**leave after payment of legacies that they may have bequeathed or debts. In that which you leave, their (your wives) share is a fourth if you leave no child; but if you leave a child, they get an eighth of that which you leave after payment of legacies that you may have bequeathed or debts. If the man or woman whose inheritance is in question has left neither ascendants nor descendants, but has left a brother or a sister, each one of the two gets a sixth; but if more than two, they share in a third, after payment of legacies he (or she) may have bequeathed or debts, so that no loss is caused (to anyone). This is a Commandment from Allah; and Allah is ever All Knowing, Most Forbearing (4:12)."**

The key points of verse 4:12 of Surah Al-Nisa include:

- From the wife's inheritance, a husband is entitled to **half** if they **did not have a child**
- A husband is entitled to **one-fourth** of his wife's inheritance if the couple **had a child**
- A wife is entitled to **one-fourth** of her husband's inheritance if they **did not** have a child
- A wife is entitled to **one-eighth** of her husband's inheritance if they **did** have a child

In instances where a man or woman dies without having living parents or children, a brother and a sister are entitled to **one-sixth** of their deceased sibling's inheritance when the deceased in question dies **without having any living parents or children** (the brother and sister share equally in this instance). In instances where **a man or woman dies without having living parents or children** and there are **three or more siblings** as heirs, **they all share one-third** of the inheritance (regardless of gender, the siblings share equally in this scenario). In addition, verse 4:176 of Surah Al-Nisa states: **"Yastaftoonaka quli Allahu yufteekumfee alkalalati ini imruon halaka laysa lahu waladun walahuokhtun falaha nisfu ma taraka wahuwayarithuha in lam yakun laha waladun fa-in kanataithnatayni falahuma alththuluthani mimmataraka wa-in kanoo ikhwatan rijalan wanisaanfalilththakari mithlu haththialonthayayni yubayyinu Allahu lakum an tadilloo waAllahubikulli shay-in AAaleemun;"** which transliterates into English as: **"They ask thee for a legal decision. Say: Allah directs (thus) about those who leave no descendants or ascendants as heirs. If it is a man that dies, leaving a sister but no child, she shall have half the inheritance: If (such a deceased was) a woman, who left no child, Her brother takes her inheritance: If there are two sisters, they shall have two-thirds of the inheritance (between them): if there are brothers and sisters, (they share), the male**

**having twice the share of the female. Thus doth Allah make clear to you (His law), lest ye err. And Allah hath knowledge of all things**." It is also important to note that verse 4:176 of Surah Al-Nisa is the last verse of the Quran to be revealed to the Prophet regarding inheritance (P.B.U.H.). The proof for this fact is the hadith of Bukhari that was narrated by Al-Bara, who reported: "**The last Quranic Verse that was revealed (to the Prophet) was the final verse of Surah Al-Nisa, i.e., 'They ask you for a legal verdict Say: Allah directs (thus) About those who leave No descendants or ascendants as heirs....(4:176)**'"

The key points of verse 4:176 of Surah Al-Nisa include:

- A man who dies **without having living parents or children**, and leaves **a sister as his sole heir**, she is entitled to **half** his inheritance
- A woman who dies **without having living parents or children**, and leaves **a brother** as **her sole heir**, he is **entitled to the entire amount** of her inheritance
- A woman who dies **without having living parents or children**, and leaves **two sisters as heirs**, the will both **share two-thirds** of her inheritance
- When a woman who dies **without having living parents or children**, and leaves both **brothers and sisters as heirs**,

the males (brothers) will be **entitled to twice** the share of the females (sisters)

It is also important to note that certain individuals are not entitled to a share in the inheritance of a deceased Muslim; namely:

- One who has murdered their predecessor. The evidence for this ruling is a hadith in the collection of Tirmidhi wherein it is reported: "**The Prophet (P.B.U.H.) said, 'One who kills a man cannot inherit from him.**" However, the individual who unintentional kills another may inherit from the victim, excluding the diyyah (blood money) amount which must be paid as compensation.
- A non-Muslim. The evidence for this ruling is a hadith in the collection of Bukhari wherein it is reported: "**The Prophet (P.B.U.H.) said, 'A Muslim cannot be the heir of a disbeliever, nor can a disbeliever be the heir of a Muslim.'**"

The three classes of heirs in Islam include:

**I.** Dhaw-u'l-Fara'id, which are those entitled to a definite share of the assets left by the deceased. Dhaw-u'l-Fara'id include the father, grandfather, uterine (same mother) brothers, husband, wife, single daughter, son's daughter

(agnatic granddaughter), mother, grandmother, full (germane) sister, consanguine (same father) sister, and uterine (same mother) sister. It is also important to note that the heirs specifically mentioned in the Quran are the mother, father, husband, wife/widow, daughter, uterine brother, full sister, uterine sister, and consanguine sister; whereas, the paternal grandfather, maternal grandmother, and agnatic granddaughter are three heirs added by juristic method of analogy.

The father's share is one-sixth when the deceased leaves a son or a son's son (agnatic grandson), but if the deceased is not survived by a son or agnatic grandson, his father will, in addition to receiving the one-sixth as Dhaw-u'l-Fara'id, also get a share as being asaba (which, according to the Islamic Shariah are those relatives in whose line of relationship no female enters; i.e., male relatives in the male line/agnatic). The evidence for this ruling is a hadith in the collection of Bukhari wherein it was reported by Ibn Abbas that the Messenger of Allah (P.B.U.H.) said: **"Give the prescribed share of inheritance to those who are due it and the remainder is for the nearest male relative of the deceased."**

**Grandfather**: The grandfather's share is like that of father's share; however, he does not inherit whenever the

father is present as an eligible heir. The evidence for this ruling is a hadith collected by Bukhari wherein Ibn Abbas narrated: "**The person about whom Allah's Apostle (P.B.U.H.) said, 'If I were to take a Khalil from this nation (my followers), then I would have taken him (i.e., Abu Bakr), but the Islamic Brotherhood is better (or said: good);' regarded a grandfather as the father himself (in inheritance)**." Furthermore, a hadith in the Muwatta of Imam Malik states: "Malik said: 'The generally agreed on way of doing things among us and what I have seen the people of knowledge in our city doing is that the paternal grandfather does not inherit anything at all with the father.'" Moreover, in instances where the deceased has no father, but has sons or son's sons (agnatic grandsons), the grandfather is entitled to one-sixth (assumes the inheritance role of his deceased son - father of the deceased). What is more, when the deceased has no father and no child, the grandfather inherits as asaba only and gets the residue. Lastly, the Muwatta of Imam Malik further states: "He is given a sixth as a fixed share with the son and the grandson through a son. Other than that, when the deceased does not leave a mother or a paternal aunt, one begins with whoever has a fixed share, and they are given their shares. If there is a sixth of the property left

over, the grandfather is given a sixth as a fixed share." Malik said, "When someone shares with the grandfather and the full siblings in a specified share, one begins with whoever shares with them of the people of fixed shares. They are given their shares. What is left over after that belongs to the grandfather and the full siblings. Then one sees which is the more favorable of two alternatives for the portion of the grandfather. Either a third is allotted to him and the siblings to divide between them, and he gets a share as if he were one of the siblings, or else he takes a sixth from all the capital. Whichever is the best portion for the grandfather is given to him. What is left after that, goes to the full siblings. The male gets the portion of two females except in one particular case. The division in this case is different from the preceding one. This case is when a woman dies and leaves a husband, mother, full sister and grandfather. The husband gets a half, the mother gets a third, the grandfather gets a sixth, and the full sister gets a half. The sixth of the grandfather and the half of the sister are joined and divided into thirds. The male gets the share of two females. Therefore, the grandfather has two thirds, and the sister has one third." Malik said, "The inheritance of the half-siblings by the father with the grandfather when there are no full siblings

with them, is like the inheritance of the full siblings (in the same situation). The males are the same as their males and the females are the same as their females. When there are both full siblings and half-siblings by the father, the full siblings include in their number the number of half-siblings by the father, to limit the inheritance of the grandfather, i.e., if there was only one full sibling with the grandfather. They would share, after the allotting of the fixed shares, the remainder of the inheritance between them equally. If there were also two half-siblings by the father, their number is added to the division of the sum, which would then be divided four ways. A quarter going to the grandfather and three-quarters going to the full siblings who annex the shares technically allotted to the half-siblings by the father. They do not include the number of half-siblings by the mother, because if there were only half-siblings by the father they would not inherit anything with the grandfather and all the capital would belong to the grandfather, and so the siblings would not get anything after the portion of the grandfather. "It belongs to the full siblings more than the half-siblings by the father, and the half-siblings by the father do not get anything with them unless the full siblings consist of one sister. If there is one full sister, she includes the grandfather

with the half-siblings by her father in the division, however many. Whatever remains for her and these half-siblings by the father goes to her rather than them until she has had her complete share, which is half of the total capital. If there is surplus beyond half of all the capital in what she and the half-siblings by the father acquire it goes to them. The male has the portion of two females. If there is nothing left over, they get nothing."

**Uterine brother**: A uterine brother is entitled to one-sixth if their number is one, and one-third if they are more than one. Likewise, a **Uterine sister** is entitled to one-sixth if their number is one and one-third if they are more than one. The evidence for these rulings are found in Surah 4:12 of the Quran which reads: "**If the man or woman whose inheritance is in question, has left neither ascendants nor descendants, but has left a brother (uterine) or a (uterine) sister, each one of the two gets a sixth; but if more than two, they share in a third; after payment of legacies and debts; so that no loss is caused (to any one). Thus is it ordained by Allah; and Allah is All-knowing, Most Forbearing.**" Additional evidence is found in a faraid hadith in the Muwatta of Imam Malik, wherein it reads: "Yahya related to me from Malik from Zayd ibn Aslam ... Malik said, 'If a man or a woman has no direct heir, but

has a brother or a sister by the mother, each of the two has a sixth. If there are more than that, they share equally in a third.'"

It is also important to note that a uterine brother and sister, unlike a germane and consanguine brother and sister, inherit equally, as do their descendants. The evidence for this ruling is also contained in a faraid hadith in the Muwatta of Imam Malik, which reads: "Malik said, 'The generally agreed upon way of doing things among us is that maternal half-siblings do not inherit anything when there are children or grandchildren through sons, male or female. They do not inherit anything when there is a father or the father's father. They inherit in what is outside of that. If there is only one male or female, they are given a sixth. If there are two, each of them has a sixth. If there are more than that, they share in a third which is divided among them. The male does not have portion of two females. That is because Allah, the Blessed, the Exalted, says in His Book, 'If a man or woman has no direct heir, and he has a brother or sister, by the mother, each of them has a sixth. If there are more than two, they share equally in a third.'"

**Husband**: The husband's share is one-half of the property of his deceased wife if she has no children, but in case of

children, it is one-fourth. The evidence for this ruling is surah 4:12 of the Quran which reads: "**In what your wives leave, your share is a half, if they leave no child; but if they leave a child, ye get a fourth; after payment of legacies and debts.**"

**Wife**: The wife is entitled to one-fourth if the husband dies childless; otherwise it is one-eighth. The evidence for this ruling is surah 4:12 of the Quran which reads: "**In what ye leave, their share is a fourth, if ye leave no child; but if ye leave a child, they get an eighth; after payment of legacies and debts.**"

The ruling pertaining to the allotted share for a husband and wife is also highlighted in a hadith collected by Bukhari wherein Ibn 'Abbas narrated: "**(During the early days of Islam), the inheritance used to be given to one's offspring and legacy used to be bequeathed to the parents, then Allah cancelled what He wished from that order and decreed that the male should be given the equivalent of the portion of two females, and for the parents one-sixth for each of them, and for one's wife one-eighth (if the deceased has children) and one-fourth (if he has no children), for one's husband one-half (if the deceased has no children) and one-fourth (if she has children).**"

**Real (germane) daughter**: A real daughter is entitled to one-half when she is the sole heir, and two-thirds when there are more than one. The evidence for this ruling is found in Surah 4:11 of the Quran which reads: "**Allah (thus) directs you as regards your Children's (Inheritance): ... if only daughters, two or more, their share is two-thirds of the inheritance; if only one, her share is a half**." Moreover, if the deceased is survived by a son along with a daughter, the daughter(s) will get half the share of the son(s). The evidence for this ruling is found in Surah 4:11 of the Quran which reads, "**Allah (thus) directs you as regards your Children's (Inheritance): to the male, a portion equal to that of two females**..."

**Granddaughter**: A granddaughter stand on the same level as daughters. This fact is documented in the Muwatta of Imam Malik wherein it reads: "Yahya related to me from Malik, ...'When there are no children, grandchildren through sons have the same position as children, so that grandsons are like sons and grand-daughters are like daughters...'" However, in instances where the deceased is survived by one real (germane) daughter and one or more granddaughter(s), the granddaughters will get one-sixth. The evidence for this ruling is a hadith collected in the Muwatta of Imam Malik wherein it reads: "Yahya related to me from Malik,

...'If the only descendant is a daughter, she takes half, and if there are one or more grand-daughters through a son who are in the same position to the deceased, they share a sixth...'" It is also important to note that the granddaughter is not entitled to any share of the inheritance when the deceased is survived by a son. This fact is also documented in the Muwatta of Imam Malik which reads: "Yahya related to me from Malik, ...'If there are both children and grandchildren through sons, and there is a male among the children, then the grandchildren through sons do not share in the inheritance with him...'" However, if the deceased is survived by grandsons and granddaughters, they would be treated as 'Asaba and the male grandchild would get double of what goes to the female grandchild. The evidence for this ruling is documented in the Muwatta of Imam Malik which reads: "Yahya related to me from Malik, ...'If there is no surviving male among the children, and there are two or more daughters, the granddaughters through a son do not share in the inheritance with them unless there is a male who is in the same position as them in relation to the deceased, or further than them. His presence gives access to whatever is left over, if any, to whoever is in his position and whoever is above him of the granddaughters through sons. If

something is left over, they divide it among them, and the male takes the portion of two females. If nothing is left over, they have nothing...'"

When a **Muslim daughter and a Muslim sister are the only heirs**, both the daughter and sister get one-half each. The evidence for this ruling is a hadith collected by Bukhari wherein Al-Aswad bin Yazid narrated: **"Mu'adh bin Jabal came to us in Yemen as a tutor and a ruler, and we (the people of Yemen) asked him about (the distribution of the property of ) a man who had died leaving a daughter and a sister. Mu'adh gave the daughter one-half of the property and gave the sister the other half."**

When a **Muslim daughter, a son's Muslim daughter (agnatic granddaughter), and a Muslim sister are the only heirs**, one-half is the daughter, one-sixth is for the son's daughter, and the rest (one-third) is for the sister. The evidence for this ruling is a hadith collected by Bukhari wherein Huzail bin Shirahbil narrated: **"Abu Musa was asked regarding (the inheritance of) a daughter, a son's daughter, and a sister. He said, 'The daughter will take one-half and the sister will take one-half. If you go to Ibn Mas'ud, he will tell you the same.' Ibn Mas'ud was asked and was told of Abu Musa's verdict. Ibn Mas'ud then said, 'If I give the same verdict, I would stray and would**

**not be of the rightly-guided. The verdict I will give in this case, will be the same as the Prophet did, i.e. one-half is for the daughter, and one-sixth for the son's daughter, i.e. both shares make two-thirds of the total property; and the rest is for the sister.' Afterwards we came to Abu Musa and informed him of Ibn Mas'ud's verdict, whereupon he said, 'So, do not ask me for verdicts, as long as this learned man is among you.'"**

**Full (germane) sister**: A full sister is entitled to one-half when she is the sole heir, and two-thirds when there are more than one. The evidence for this ruling is surah 4:176 which reads: "**They ask thee for a legal decision. Say: Allah directs (thus) about those who leave no descendants or ascendants as heirs. If it is a man that dies, leaving a (germane) sister but no child, she shall have half the inheritance...**" This rule also applies to a **Consanguine sister**. Thus, a consanguine sister, like a germane sister, is entitled to one-half when there is only one and two thirds when there are more than one.

**Mother**: The mother is entitled to one-sixth of the inheritance when she has a child or grandchild. However, in instances where she is childless, her share increases to a one-third share of the inheritance. The evidence for this ruling is Surah 4:11 of the Quran which reads, "**... For**

**parents, a sixth share of the inheritance to each, if the deceased left children; if no children, and the parents are the (only) heirs, the mother has a third..."** The mother is also entitled to one-sixth when the deceased leaves brothers or sisters, two or more (**any combination of germane, consanguine or uterine).** The evidence for this ruling is surah 4:11 which reads: **"If the deceased Left brothers (or sisters) the mother has a sixth. (The distribution in all cases is after the payment of legacies or debts. You know not whether your parents or your children are nearest to you in benefit. These are settled portions ordained by Allah; and Allah is All-knowing, Al-wise."**

**Grandmother**: If the deceased is survived either by a paternal/maternal grandmother or both, they are entitled to one-sixth. However, the maternal grandmother is deprived of her share of the inheritance whenever the mother of the deceased is alive as an eligible heir, and the paternal grandmother is deprived of her share whenever the father of the deceased is alive as an eligible heir. The evidence for this ruling is found in the Faraid of Malik's Muwatta which reads: "Yahya related to me from Malik from Abdu Rabbih ibn Said that Abu Bakr ibn Abd ar-Rahman ibn al-Harith ibn Hisham only gave a fixed share to two grandmothers

(together). Malik said, 'The generally agreed on way of doing things among us in which there is no dispute and which I saw the people of knowledge in our city doing, is that the maternal grandmother does not inherit anything at all with the mother. Outside of that, she is given a sixth as a fixed share. The paternal grandmother does not inherit anything along with the mother or the father. Outside of that she is given a sixth as a fixed share.' If both the paternal grandmother and maternal grandmother are alive, and the deceased does not have a father or mother outside of them, Malik said, 'I have heard that if the maternal grandmother is the nearest of the two of them, then she has a sixth instead of the paternal grandmother. If the paternal grandmother is nearer, or they are in the same position in relation to the deceased, the sixth is divided equally between them.' Malik said, 'None of the female grand-relations except for these two has any inheritance because I have heard that the Messenger of Allah, may Allah bless him and grant him peace, gave the grandmother inheritance, and then Abu Bakr asked about that until someone reliable related from the Messenger of Allah, may Allah bless him and grant him peace, that he had made the grandmother an heir and given a share to her. Another grandmother came to Umar ibn al-Khattab, and he said, 'I am

not one to add to fixed shares. If there are two of you together, it is between you. If either of you is left alone with it, it is hers.'' Malik said, 'We do not know of anyone who made other than the two grandmothers heirs from the beginning of Islam to this day.'"

## Heirs with their respective shares:

| | | |
|---|---|---|
| **HUSBAND** | **If there is no child or grandchild surviving the deceased** | **1/2** |
| **HUSBAND** | **If there is a surviving child or grandchild of deceased** | **1/4** |
| **WIFE** | **If there is no child or grandchild surviving the deceased** | **1/4** |
| **WIFE** | **If there is a surviving child or grandchild of deceased** | **1/8** |
| **SON** | **If there is no daughter** | **100% as asaba** |
| **SON** | **If there is a daughter, the son must share with his sister as asaba** | **Twice the share of his sister** |
| **DAUGHTER** | **If only one daughter** | **1/2** |
| **DAUGHTER** | **If 2 or more daughters (the daughters portion is shared equally among them)** | **2/3** |

| | | |
|---|---|---|
| **DAUGHTER** | If there is a son, the daughter(s) shares with her brother(s) | Asaba<br><br>1/2 share of brother |
| **FATHER** | If there is a child or grandchild surviving the deceased | 1/6 |
| **FATHER** | If there is no child or grandchild surviving the deceased | 100% as asaba |
| **MOTHER** | If the deceased had children | 1/6 |
| **MOTHER** | If no children, and the parents are the (only) heirs | 1/3 |
| **PATERNAL GRANDMOTHER** | (her portion is shared with maternal grandmother) | 1/6 |
| **PATERNAL GRANDMOTHER** | If Mother or Father survives | 0% |
| **PATERNAL GRANDFATHER** | If no father, son or grandson survives | 100% as asaba |
| **PATERNAL GRANDFATHER** | If father of the deceased is alive | 0% |

| | | |
|---|---|---|
| **MATERNAL GRANDMOTHER** | (her portion is shared with paternal grandmother) | 1/6 |
| **MATERNAL GRANDMOTHER** | If mother is alive | 0% |
| **BROTHER** | If father, son or grandson survives | 0% |
| **BROTHER** | If no father, son or grandchild survives | 100% as asaba |
| **SISTER** | If father, son or grandson survives | 0% |
| **SISTER** | If she is the only heir | 1/2 |
| **SISTER** | If 2 or more sisters (they share equally) | 2/3 |
| **SISTER** | If Brother is alive | 1/2 share of brother as asaba |

| Quranic Share | Primary Heirs mentioned in Quran |
|---|---|
| **1/2** | Husband (if no child),<br>Daughter (if only one),<br>Full Sister<br>Half-Sister on Mother's side |
| **1/4** | Husband (if with child),<br>Wife (if no child) |
| **1/8** | Wife (if with child) |
| **2/3** | Daughters (if more than one),<br>Daughter of Son (however low in chain, e.g. granddaughters),<br>Full Sister (if more than one)<br>Half-Sister on Mother's side (if more than one) |
| **1/3** | Mother (if there are no child or their descendants)<br>Half Brother on Mother's side<br>Half-Sister on Mother's side |
| **1/6** | Father or True Grand Father (if there is no father)<br>Mother (if there are child or their descendants) or True Grand Mother (if there is no mother)<br>Daughter of Son (if they share with Daughter),<br>Half Brother on Father's side<br>Half-Sister on Father's side |

**II.** After the heirs of the first group (Dhaw-u'l-Fara'id) have received the respective shares, the residue of the assets falls to the share of those relatives that comprise the second group of inheritors referred to as asaba; which, according to the Islamic Shariah are those relatives in whose line of relationship no female enters; i.e., male relatives in the male line/agnatic. The evidence for this ruling is a hadith collected by Imam Muslim wherein Tawus reported on the authority of his father Ibn Abbas: "**Allah's Messenger (P.B.U.H.) said: 'Distribute the property amongst Ahl al-Fara'id, according to the Book of Allah, and what is left out of them goes to the nearest male heir.**'" It is also important to note that Asaba do not have a fixed share of the inheritance as Dhaw-u'l-Fara'id. Thus, if one is not survived by any members of Dhaw-u'l-Fara'id, the residue of their entire estate will go to the entitled asaba.

Asaba include the following persons (all persons must be a Muslim and considered an eligible heir according to the Islamic shariah):

1. **Son**: A son is the first person to get the residue in order of succession. A son also gets twice the share of a daughter; as evident from the hadith of Bukhari wherein Zayd ibn Thabit said: "**If there is a son with**

**them, then one begins with those who share with them in inheritance and they receive their shares, and then what remains goes to them, with the male receiving double the share of a female.**" Thus, a germane brother inherits twice as much as a germane sister, a son's son (agnatic grandson) inherits twice as much as a son's daughter (agnatic granddaughter). Furthermore, the presence of a son also excludes a grandson from a share of the inheritance as asaba. However, if a son is not available as an eligible heir, then the grandson will become entitled to a share in the inheritance as an asaba. This fact is also evident from a hadith collected by Bukhari wherein Zayd reportedly said: "**Grandchildren are in the position of children if there is no other male children still alive. Their males are like their males and their females like their females. They inherit as they inherit and preclude (other heirs) as they preclude. A grandchild does not inherit when there is a son.**" Lastly, if there are more than one son, the inheritance will be distributed equally among them.

2. **Father**: The father, grandfather, and great-grandfather are among the Dhaw-u'l-Fara'id. However, in instances where the deceased is not survived by a

son, grandson, or great-grandson, the father will assume the status of asaba and become entitled to the residue of the inheritance. Yet, in the absence of the father, his father, the grandfather of the deceased assumes the position of asaba. The evidence for this ruling is a hadith collected by Bukhari wherein Ibn Abbas narrated: "**The person about whom Allah's Apostle (P.B.U.H.) said, '...regarded a grandfather as the father himself (in inheritance)**." Also, Abu Bakr, Ibn Abbas and Ibn az-Zubayr reportedly said in another hadith collected by Bukhari: "**The grandfather is like a father, Ibn 'Abbas recited, 'O children of Adam' (7:26) and 'I hold fast to the creed of my forebears, Ibrahim and Ishaq and Ya'qub (12:38).' It is not mentioned that anyone disagreed with Abu Bakr while he was alive while there were many Companions of the Prophet (P.B.U.H.). Ibn Abbas said, 'The son of my son inherits rather than my brothers and I do not inherit from the son of my son.**'" Furthermore, the Muwatta of Imam Malik reports: "Malik said, 'The generally agreed on way of doing things among us about which there is no dispute and what I have seen the people of knowledge in our city doing is that when a father inherits from a son or a daughter and the deceased

leaves children, or grandchildren through a son, the father has a fixed share of one sixth. If the deceased does leave any children or male grandchildren through a son, the apportioning begins with those with whom the father shares in the fixed shares. They are given their fixed shares. If a sixth or more is left over, the sixth and what is above it is given to the father, and if there is less than a sixth left, the father is given his sixth as a fixed share, (i.e. the other shares are adjusted).'" Lastly, a hadith by Bukhari narrated by Imran ibn Husayn states: **"A man came to the Prophet (P.B.U.H.) and said: My son has died; what do I receive from his estate? He, the Prophet (P.B.U.H.) replied: 'You receive a sixth. When he turned away he called him and said: 'You receive another sixth.' When he turned away, he called him and said: 'The other sixth is an allowance (beyond what is due).' Qatadah said: 'They (the Companions) did not know the heirs with whom he was given (a sixth).' Qatadah said: 'The minimum share given to the grandfather was a sixth.'"**

3. **Germane brother (full)**: In the absence of a son, grandson, daughter, granddaughter, father, and finally a grandfather, a germane brother, including his sons

and daughters when he is not available, becomes the next in order of succession as an asaba. The evidence for this ruling is detailed in the Muwatta of Imam Malik, wherein Malik reportedly said: "The generally agreed on way of doing things among us is that full siblings do not inherit anything with sons nor anything with grandsons through a son, nor anything with the father. They do inherit with the daughters and the granddaughters through a son when the deceased does not leave a paternal grandfather. Any property that is left over, they are in it as paternal relations. One begins with the people who are allotted fixed shares. They are given their shares. If there is anything left over after that, it belongs to the full siblings. They divide it between themselves according to the Book of Allah, whether they are male or female. The male has a portion of two females. If there is nothing left over, they have nothing. If the deceased does not leave a father or a paternal grandfather or children or male or female grandchildren through a son, a single full sister gets a half. If there are two or more full sisters, they get two thirds. If there is a brother with them, sisters, whether one or more, do not have a fixed share. One begins with

whoever shares in the fixed shares. They are given their shares. Whatever remains after that goes to the full siblings. The male has the portion of two females except in one case, in which the full siblings have nothing. They share in this case the third of the half-siblings by the mother. That case is when a woman dies and leaves a husband, a mother, half-siblings by her mother, and full siblings. The husband has a half. The mother has one sixth. The half-siblings by the mother have a third. Nothing is left after that, so the full siblings share in this case with the half-siblings by the mother in their third. The male has the portion of two females in as much as all of them are siblings of the deceased by the mother. They inherit by the mother. That is because Allah, the Blessed, the Exalted, said in His Book, 'If a man or a woman has no direct heir and he has a brother or a sister, each one of the two gets a sixth. If there are more than that, they share equally in the third. ' (Sura 4 ayat 12) . They therefore share in this case because all of them are siblings of the deceased by the mother.'" Moreover, to reiterate, in the absence of the germane brother, the son of the germane brother, the agnatic nephew of the deceased will

assume the position of asaba. Furthermore, in instances where the son of the germane brother, the agnatic nephew of the deceased is absent, then the grandson of the germane brother, the agnatic grand-nephew will become entitled to share in the inheritance as asaba; with the eligible female heir in order of succession also sharing along with him (claiming half of the share of her male counterpart). The evidence for this ruling is the Muwatta of Imam Malik which reads: "Malik said, 'The generally agreed on way of doing things among us is that full siblings do not inherit anything with sons nor anything with grandsons through a son, nor anything with the father. They do inherit with the daughters and the granddaughters through a son when the deceased does not leave a paternal grandfather. Any property that is left over, they are in it as paternal relations. One begins with the people who are allotted fixed shares. They are given their shares. If there is anything left over after that, it belongs to the full siblings. They divide it between themselves according to the Book of Allah, whether they are male or female. The male has a portion of two females. If there is nothing left over, they have nothing.'" Furthermore, a full brother will

exclude a consanguine brother; because, full blood excludes half-blood through a father, but not a uterine brother with the same mother. Also, the majority view is that the full and consanguine brother is not excluded by the paternal grandfather. However, according to Dr. Abid Hussain the Hanafi fiqh allows the paternal grandfather to totally exclude the agnatic siblings.

Lastly, it is also important to note that in the event that the deceased is not survived by none of the above mentioned relatives among the asaba, then the consanguine (same father) brother will become entitled to share in the inheritance, over the full (germane) brother's son (agnatic nephew), etc. The evidence for this ruling is also contained in the Muwatta of Imam Malik, which reads" "Malik said, 'The generally agreed on way of doing things among us, in which there is no dispute, and which I saw the people of knowledge in our city doing, about paternal relations is that full brothers are more entitled to inherit than half-brothers by the father and half-brothers by the father are more entitled to inherit than the children of the full brothers. The sons of the full brothers are more

entitled to inherit than the sons of the half-brothers by the father. The sons of the half-brothers by the father are more entitled to inherit than the sons of the sons of the full brothers. The sons of the sons of the half-brothers by the father's side are more entitled to inherit than the paternal uncle, the full brother of the father. The paternal uncle, the full brother of the father, is more entitled to inherit than the paternal uncle, the half-brother of the father on the father's side. The paternal uncle, the half-brother of the father on the father's side is more entitled to inherit than the sons of the paternal uncle, the full brother of the father. The son of the paternal uncle on the father's side is more entitled to inherit than the paternal great uncle, the full brother of the paternal grandfather.' Malik said, 'Everything about which you are questioned concerning the inheritance of the paternal relations is like this. Trace the genealogy of the deceased and whoever among the paternal relations contends for inheritance. If you find that one of them reaches the deceased by a father and none of them except him reaches him by a father, then make his inheritance to the one who reaches him by the nearest father, rather than the one

who reaches him by what is above that. If you find that they all reach him by the same father who joins them, then see who is the nearest of kin.'"

4. **Germane (full) paternal uncle**: In the event none of the above mentioned heirs are present as asaba, the germane paternal uncle (full brother of the father of the deceased) will assume the position as asaba, becoming entitled to the residue of the inheritance along with the eligible female heir (claiming half of the share of her male counterpart) in order of succession. The evidence for this ruling is a faraid hadith collected by Bukhari in the book of shares and inheritance wherein Ibn 'Abbas reportedly said: "**The son of my son inherits rather than my brothers and I do not inherit from the son of my son.**" Furthermore, it is important to note that the paternal aunt generally does not inherit. The evidence for this ruling is contained in the Muwatta of Imam Malik, which reads: "**Yahya related to me from Malik that Muhammad ibn Abi Bakr ibn Hazm heard his father say many times, 'Umar ibn al-Khattab used to say, 'It is a wonder that the paternal aunt is inherited from and does not inherit.'**"

**III.** The last category of inheritors are referred to as Dhaw-u'l Arham (distant relations); i.e., relations connected through females. However, it is highly unlikely that these individuals will get any share of the inheritance due to the absence of eligible heirs from Dhaw-u'l-Fara'id. Nevertheless, if they happen to fall into the line of succession, then they are entitled their due share. The evidence for the fact that even Dhaw-u'l Arham are entitled to a share of the inheritance after meeting the required criteria is Surah 8:75 of the Quran which reads: **"Waallatheena amanoo minbaAAdu wahajaroo wajahadoo maAAakum faola-ikaminkum waoloo al-arhami baAAduhum awlabibaAAdin fee kitabi Allahi inna Allahabikulli shay-in AAaleemun;"** which transliterates into English as: **"And those who accept Faith subsequently, and adopt exile, and fight for the Faith in your company,- they are of you. But kindred by blood have prior rights against each other in the Book of Allah. Verily Allah is well-acquainted with all things."** Moreover, the majority of the Prophet's (P.B.U.H.) companions believed that Dhaw-u'l Arham are entitled to inherit. As a result, Imam Hanafi and Hanbali also maintain: that the Dhaw-u'l Arham are entitled to inherit in instances where Dhaw-u'l-Fara'id and asaba are not available, and after a husband/widow being the only heir and having received their respected share will

result in the residue falling to the Dhaw-u'l Arham in the absence of asaba. However, it is important to note that according to Aaisha Nadia Zafar and Irum Ayesha Basharat the view of Zaid bin Thabit was that the Dhaw-u'l Arham are not entitled to inherit, and any residue in the absence of Dhaw-u'l-Fara'id and asaba should instead go to the Bait-ul-mal (Muslim treasury). Aaisha Nadia Zafar and Irum Ayesha Basharat also maintain that this was also the belief of Imam Malik and Imam Shafi'i. Thus, the Shafi'i jurist eventually concluded that since the bait-ul-mal was no longer being administered according to the Islamic sharia with the ending of the Muslim Caliphate, the Dhaw-u'l Arham is now entitled to take precedence over the bait-ul-mal.

The following relatives come under the category of Dhaw-u'l Arham (from the Arabic word rahm meaning womb; i.e. those related through females):

a) The son of the daughter (**grandson**) and daughter of the daughter (**granddaughter**); with the male getting twice the share of the female.

b) The son of the daughter of the son (**great-grandson**), and daughter of the daughter of the son (**great-**

**granddaughter**), and their children (**great-great-grandchildren**).

c) The **maternal grandfather**, **maternal grandfather of the father** (great-grandfather), the **grandfather of the mother** (great-grandfather), **maternal grandfather of the mother** (great-grandfather), the **grandmother of the mother** (great-grandmother), the **children of the sisters** (nieces and nephews), the sisters of the father (**paternal aunt**) and mother (**maternal aunt**), etc. Grandparents (that are not true/real grandparents inherit at a ratio of 2:1, with the male getting twice the share of the female. Also, the full blood (germane) excluding half blood (consanguine) rule through father applies. Lastly, all uncles/aunts whom are not asaba, and whose power of relationship is the same, a male will get twice the share of their respected female counterpart.

One can also visit http://www.islamicsoftware.org/irth/irth.html to have a computer application designed by Dr. Ayman Abu-Mostafa compute the entitled shares for each heir. Also, islamicinheritance.com is a

website that can enable one to create an Islamic Will (a pour-over will) and Living Trust in all 50 states and the District of Columbia within 10 minutes in most cases. Those who elect to utilize this service can expect to have a binder delivered to their home by Priority Mail for 80-90% less than the cost of an Attorney.

**Heirs and their respective shares:**

| HEIR | % | SHARE |
|---|---|---|
| Son | Twice the share of a female | When a father has left children as heirs, a germane (full) son is entitled to a portion that is double the share of a germane (full) daughter |
| Son | Share equally | When more than one germane Muslim son is alive, and there are no Muslim daughters, the inheritance will be distributed equally among the sons |

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| Son | 100% | When there is only one son, he inherits the entire estate |
| Son | 4/6 (4 parts out of 6) | When the heirs are the father, mother, and a son, the property is divided into 6 parts. One part is taken by the father and one by the mother (mother and father share 2/3 equally), and the remaining 4 parts by the son. |
| Sons | They share 4/6 equally | When the heirs of the deceased are the father, mother (who share 2/3), and more than one son, the sons divide 4/6 parts equally. |
| Sons | Out of the 4/6, the sons get twice the share of the daughters | When the heirs of the deceased are the father, mother (who share 2/3) and several sons and daughters, 4/6 are divided among them in such a manner, that each son gets double the share of each daughter. |

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| Sons | Out of the 5/6, the sons get twice the share of the daughters | When the heirs of the deceased are a father or mother (who gets 1/6) and several sons and daughters, 5/6 are divided among them in such a manner, that each son gets double the share of each daughter. |
| Son | 5/6 | When the heirs are the father or mother and one son, the property is divided into 6 parts. 1/6 goes to the father or mother, and 5/6 to the son. |
| Sons | They share 5/6 equally | When the heirs are the father or mother (who gets 1/6) and more than one son, the sons divide 5/6 equally |

| HEIR | % | SHARE |
|---|---|---|
| Daughter | 1/2 | if only one Muslim daughter and no Muslim sons |
| 2 or more daughters | Share 2/3 Equally of what remains | If 2 or more Muslim daughters and no Muslim sons, they share 2/3 equally |
| 2 or more daughters | 1/2 share of germane brother | When there are both germane Muslim sons and daughters, the daughters get 1/2 the share of their brothers |
| 2 or more daughters | 1/2 | When only one germane daughter and one or more agnatic granddaughters |
| Daughter | 3/4 | When there is only the father or mother and one daughter, the estate will be divided into four parts. 1/4 is taken by the father or the mother, and the remaining 3/4 goes to the daughter. |

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| Daughters | They share 4/5 equally | When there is the father or mother and several daughters, the property is divided into 5 parts. 1/5 is taken by the father or the mother, and the remaining 4/5 goes to the daughters. |
| Daughters | Out of the 5/6, the daughters get half the share of the sons | When the heirs are a father or mother (who gets 1/6) and several sons and daughters, 5/6 are divided among them in such a manner, that each son gets double the share of each daughter. |
| Daughters | Out of the 4/6, the daughters get half the share of the sons | When the heirs are the father, mother (who share 2/3) and several sons and daughters, 4/6 is divided among them so that each son gets double the share of each daughter. |

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| Daughter | 100% | When she is the only one heir, she gets the entire inheritance (1/2 from her Quranic share and the remaining 1/2 as Asaba; because, there are no other heirs to take the residue) |
| Daughter | 3/5 | When there is only the father, mother, and one daughter (the deceased does not have 2 consanguine brothers, or 4 consanguine sisters, or 1 consanguine brother, and 2 consanguine sisters, the estate will be divided into 5 parts, out of which the father and the mother take 1/5 share each, and the remaining 3/5 shares are taken by the daughter. |

| HEIR | % | SHARE |
|---|---|---|
| 1 wife or up to 4 wives | 1/4 | When no descendents exist among walad (Muslim children or agnatic Muslim grandchildren - sons' son or son's daughter) |
| 1 wife or up to 4 wives | 1/8 | When there are Muslim children or Muslim agnatic grandchildren (sons' son or son's daughter)<br>* daughter's children are not entitled to inherit<br>*When a woman marries a man during her final illness and dies, her husband will inherit even if the marriage was not consumated<br>*When a husband dies during the iddah period, the wife will inherit; but, if one of them dies after the period or during the period of waiting or irrevocable divorce, the other will not inherit |

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| 1 wife or up to 4 wives | Equally divide the allotted share | When there are two or more wives, they must divide the allotted share equally; i.e., the share awarded to 1 wife must be divided equally among the other wives |
| **HEIR** | **%** | **SHARE** |
| Husband | 1/2 | If no descendents exist among Muslim children or Muslim agnatic grandchildren (walad) - (sons' son or son's daughter) |
| Husband | 1/4 | When entitled descendents such as Muslim children or Muslim agnatic grandchildren (walad) exist (sons' son or son's daughter) |
| Husband | inherits | If a woman is given a revocable divorce, and she dies during the waiting period of divorce (Iddah), her husband inherits from her. |

| HEIR | % | SHARE |
|---|---|---|
| Agnatic grand-daughter | 1/2 | When there is only a single agnatic granddaughter her share is a fixed one-half |
| Agnatic grand-daughter | receives share from the germane daughter | if no Muslim germane daughters exist |
| Agnatic grand-daughters | They Share 2/3 equally | When there are two or more agnatic granddaughters as the only heirs |
| Agnatic grand-daughter | 1/6 | When a (1) germane daughter exist along with an agnatic granddaughter |
| Agnatic grand-daughters | 1/2 share of agnatic grandsons | If there are only agnatic grandsons amongst the heirs along with the agnatic granddaughters |
| Agnatic grand-daughters | 0% | The existence of two or more daughters will totally exclude any granddaughters |

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| Agnatic grand-daughters | 0% | When a son of the deceased exist |
| Agnatic grand-daughters | They Share 1/6 equally | When there is one daughter and agnatic granddaughters, the daughter inherits a 1/2 share and the agnatic granddaughters inherit the remaining 1/6, (making a total of two-thirds) |
| agnatic grand-daughter by a son | 2/3 | When there is an agnatic grandson by a daughter, and an agnatic granddaughter by a son, the estate will be divided into 3 parts: 1/3 will go to the agnatic grandson by a daughter, and 2/3 to the agnatic granddaughter by a son. (When the deceased has no children, the child of his son gets a son's share even if it be a daughter, and the child of his daughter gets a daughter's share even if it be a son) |

| HEIR | % | SHARE |
|---|---|---|
| AGNATIC GRANDSONS | TWICE THE SHARE OF AN AGNATIC GRAND-DAUGHTER | WHEN THERE ARE AGNATIC GRANDSONS, THEN THE PRINCIPLE THAT THE MALE INHERITS A PORTION EQUIVALENT TO THAT OF TWO FEMALES APPLIES |
| AGNATIC GRANDSONS | 0% | MUSLIM AGNATIC GRANDSONS DO NOT INHERITANCE WHENEVER THE DECEASED HAS A LIVING SON |
| AGNATIC GRANDSON BY DAUGHTER , | 1/3 | WHEN THERE IS AN AGNATIC GRANDSON BY A DAUGHTER, AND AN AGNATIC GRANDDAUGHTER BY A SON, THE ESTATE WILL BE DIVIDED INTO 3 PARTS: 1/3 WILL GO TO THE AGNATIC GRANDSON BY A DAUGHTER, AND 2/3 TO THE AGNATIC GRANDDAUGHTER BY A SON.<br>*WHEN THE DECEASED HAS NO CHILDREN, THE CHILD OF HIS SON GETS A SON'S SHARE EVEN IF IT BE A DAUGHTER, AND THE CHILD OF HIS DAUGHTER GETS A DAUGHTER'S SHARE EVEN IF IT BE A SON |

| HEIR | % | SHARE |
| --- | --- | --- |
| Grand-mother (real – mother of father or mother) | 1/6 | The maternal grandmother inherits in the absence of the mother of the deceased |
| Grand-mother | 1/6 | The paternal grandmother inherits in the absence of the father of the deceased<br><br>*The inheritance rights ascend up to the father's father's mother or mother's mother's mother (great-grandmothers), etc. |
| Grand-mothers | Equally divide the allotted 1/6 share | The paternal and maternal grandmothers divide the 1/6 share equally if both are eligible to inherit |

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| Grand-mother | 0% | If mother exist |
| Paternal grand-mother | gets 1/2 the share of the paternal grand-father | When there are paternal grandparents together with maternal grandparents, the estate will be divided into 3 parts. 1/3 will be divided equally between the maternal grandfather and the maternal grandmother, and the remaining 2/3 will go to the paternal grandfather and the paternal grandmother, from which the paternal grandfather gets twice the share of the paternal grandmother. |
| Maternal grand-mother | Shares 1/3 equally with | When the heirs of the deceased are paternal grandparents together with maternal grandparents, the |

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| | THE MATERNAL GRAND-FATHER | ESTATE WILL BE DIVIDED INTO 3 PARTS. ONE PART WILL BE DIVIDED EQUALLY BETWEEN THE MATERNAL GRANDFATHER AND THE MATERNAL GRANDMOTHER, AND THE REMAINING 2 PARTS WILL GO TO THE PATERNAL GRANDFATHER AND THE PATERNAL GRANDMOTHER, FROM WHICH THE PATERNAL GRANDFATHER GETS TWICE THE SHARE OF THE PATERNAL GRANDMOTHER. |
| UTERINE GRAND-MOTHER | SHARE EQUALLY | WHEN THE HEIRS ARE GRANDPARENTS AND BROTHERS OR SISTER FROM THE MOTHER'S SIDE (UTERINE), THE ESTATE IS DIVIDED AMONG THEM EQUALLY, THOUGH THEY ARE OF DIFFERENT GENDERS. |

| HEIR | % | SHARE |
|---|---|---|
| Mother | 1/6 | When there is a Muslim child or Muslim agnatic grandchild |
| Mother | 1/3 | When there is no Muslim child or Muslim agnatic grandchild |
| Mother | 1/6 | If the deceased son left Muslim brothers or sisters of any kind (uterine, consanguine, etc.) |
| Mother | 1/6 | If the deceased daughter leaves behind a husband and both Muslim Parents (mother and father) as only heirs |
| No Mother | | * if no mother (her mom), the grandmother takes her place |
| Mother | 1/3 | If no Muslim child, etc., and no Muslim father, but the Muslim grandfather of the deceased exist as an heir |

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| Mother | 1/6 | Deceased has child or 2 or more brothers/sisters |
| Mother | 1/3 | Deceased had no child or 2 or more brothers/sisters |
| Mother | 1/4 | Deceased had only parents and wife |
| **HEIR** | **%** | **SHARE** |
| Uterine Brother | 1/6 | Is allotted to a uterine (same mother) brother from a sibling who has no Muslim child, agnatic grandchild, or Muslim parent, etc. (kalala) |
| Uterine Brothers | They share 1/3 equally with uterine sisters | If the only heirs are a paternal brother and sister, and several maternal brothers and sisters, the estate will be divided into 3 parts. One part (1/3) will be shared among the maternal brothers and sisters equally, and the remaining 2 parts will be divided among |

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| | | the paternal brothers and sisters, in such a manner that every brother gets double the share of every sister. |
| Consanguine brother | Gets twice the share of the consanguine sisters from the 2/3 | When the only heirs are a paternal brother and sister, and several maternal brothers and sisters, the estate will be divided into 3 parts: 1/3 will be shared among the maternal brothers and sisters equally, and the remaining 2/3 will be divided among the paternal brothers and sisters so that every brother gets double the share of every sister. |
| Uterine half-brother | 100% (1/6 Quranic share plus 5/6 as asaba) | If the only heir of deceased is one maternal half-brother (their father being different), he gets the entire estate. |

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| Uterine half-brothers | They share equally | When there are several maternal half-brothers alone, or several maternal sisters alone, or both of them together, the estate is divided equally among them. |
| Brother | 100% | When he is the sole heir |
| Consanguine brothers | 0% | When there are real (germane) brothers and sisters, together with half brothers and sisters from the father's side (Consanguine), and one half-brother or one half-sister from maternal side (uterine), the paternal brothers and sisters will not inherit. (The estate will be divided into 6 parts, from which one part will be inherited by the maternal brother or sister, and the remaining 5 parts will be divided by the real brothers and sisters among |

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| | | THEMSELVES, IN SUCH A MANNER THAT EVERY BROTHER WILL GET DOUBLE THE SHARE OF EVERY SISTER.) |
| CONSANGUINE BROTHERS | 0% | WHEN THERE ARE REAL BROTHERS AND SISTERS TOGETHER WITH PATERNAL BROTHERS AND SISTERS, AND SEVERAL MATERNAL BROTHERS AND SISTERS, THE PATERNAL BROTHERS AND SISTERS WILL NOT INHERIT. IN THIS CASE, THE ESTATE WILL BE DIVIDED INTO 3 PARTS, FROM WHICH 1/3 PART WILL BE DIVIDED EQUALLY BY THE MATERNAL BROTHERS AND SISTERS, AND THE REMAINING 2/3 PARTS WILL BE DIVIDED AMONG THE REAL BROTHERS AND SISTERS, IN SUCH A MANNER THAT EVERY BROTHER GETS DOUBLE THE SHARE OF EVERY SISTER. |

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| | | When the only heirs of deceased are his paternal brother and sister, and several maternal brothers and sisters, the estate will be divided into 3 parts. One part will be shared among the maternal brothers and sisters equally, and the remaining 2 parts will be divided among the paternal brothers and sisters, in such a manner that every brother gets double the share of every sister. |
| Germane brothers | Divide 100% equally | When there are several real brothers alone, they divide the property equally among themselves |
| Brother | 1/3 to share equally with all siblings (3 or more) | Is allotted to a uterine (same mother) brother in instances where a kalala dies leaving behind additional Muslim uterine siblings as heirs (3+) |

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| Brother | 100% | When a sister dies as a kalala, leaving the brother in question as the sole heir |
| Brothers | Twice the share of a female | When a sister dies as a kalala and leaves germane (full) brothers and sisters as heirs |
| Brothers | Equally divide the allotted share | if there are Muslim uterine brothers and sisters plus Muslim germane brothers and sisters (full), then they share in the residue<br><br>* Uterine siblings only inherit in the absence of Muslim descendents and ascendants (a Muslim child, agnatic grandchild, or parent); i.e., when the deceased is a kalala<br><br>* Uterine siblings inherit equally, as do their descendents |

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| Consanguine brother | 2/3 | When there is a paternal brother and maternal grandfather, the paternal (consanguine) brother inherits 2/3 and the maternal grandfather inherits 1/3 of the estate |
| Brothers (both uterine and germane) | 1/3 to share equally with all siblings | Umar ibn al-Khattab allowed the germane (full) brothers to inherit equally with the uterine brothers in the share of 1/3. |
| Consanguine (half) Brother on the mother's side | 0% | When the deceased is survived by descendants or a father |
| Uterine brothers | Share equally | When there are grandparents and brothers or sister from the mother's side (uterine), the estate is divided among them equally, though they are of different genders. |

| HEIR | % | SHARE |
|---|---|---|
| NEPHEW and NIECE (Children of Brothers /Sisters) | A male gets twice the share of a female | Agnatic (related to the deceased from the father's or male side) nephews and nieces are only entitled to inherit in the absence of their parents (agnatic) brothers and sisters of the deceased; thus, a nephew/niece will receive what his/her parent would have received if he/she was alive. They will also not inherit if the children or children's children of the deceased are living. |
| NEPHEW and NIECE (Children of Brothers /Sisters) | 0% as long as an eligible heir exist | The niece and nephew from the sister's side (thawil arham) will not inherit as long as the deceased's parents, grandparents, great-grandparents, etc., children, grandchildren, brothers, sisters, paternal uncles, paternal uncle's son, |

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| | | grandson, great-grandson, brother's son, grandson, great-grandson, etc. are alive. If this is the case, a nephew or niece assumes the share of the absent heir. |
| Uterine nephew | Shares 1/3 equally with uterine grand-father | When there is a paternal brother, maternal grandfather, and maternal nephew, the paternal (consanguine) brother inherits 2/3 and the maternal (uterine) grandfather inherits 1/3 of the estate equally with the uterine nephew |
| **HEIR** | **%** | **SHARE** |
| Agnatic (real) Grand-father | 1/6 (replaces his deceased son) | When a male descendent such as his Muslim son died with a living Muslim son or agnatic Muslim grandson in his absence, etc. |

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| Agnatic (real) Grand-father | 1/6 plus residue as an asaba | When his Muslim daughter or agnatic Muslim granddaughter etc., exist |
| Agnatic (real) Grand-father | 100% as asaba | When no Muslim children male or Muslim female agnatic descendent exist |
| Agnatic (real) Grand-father | 0% | When the father of the deceased exist |
| Agnatic (real) Grand-father | Inherits as asaba only and gets residue | Deceased has no father and no child |
| Agnatic (real) Grand-father | 1/6 | Deceased has no father, but has sons or son's sons (agnatic grandsons) |

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| Agnatic (real) Grand-father | | Replaces the absent father; but, unlike the absent father, the grandfather does not reduce the mother's share to 1/3 of the residue, nor entirely exclude the paternal grandmother. |
| | | According to Bukhiri and Imam Muslim, the father deprives the brothers of their share; however, this authority does not apply to the grandfather.<br><br>Imam Abu Hanifa, unlike Bukhari and Imam Muslim is of the opinion that the grandfather deprives the brother of his share in the inheritance.<br><br>* The grandfather excludes the Great-grandfather |

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| Uterine grand-father | Shares 1/3 equally with the maternal grand-mother | When there are paternal grandparents together with maternal grandparents, the estate will be divided into 3 parts: 1/3 will be divided equally between the maternal grandfather and grandmother, and the remaining 2/3 will go to the paternal grandfather and grandmother, from which the paternal grandfather gets twice the share of the paternal grandmother. |
| Consanguine grand-father | gets twice the share of the paternal grand-mother | When the heirs of the deceased are paternal grandparents together with maternal grandparents, the estate will be divided into 3 parts. One part will be divided equally between the maternal grandfather and the maternal grandmother, and the remaining 2 parts will go to the paternal |

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| | | grandfather and the paternal grandmother, from which the paternal grandfather gets twice the share of the paternal grandmother. |
| Uterine grand-father | 1/3 | When there is a paternal brother and maternal grandfather, the paternal (consanguine) brother inherits 2/3 and the maternal grandfather inherits 1/3 of the estate |
| Uterine grand-father | Shares 1/3 with the uterine nephew | When there is a paternal brother, maternal grandfather, and maternal nephew, the paternal (consanguine) brother inherits 2/3 and the maternal (uterine) grandfather inherits 1/3 of the estate equally with the uterine nephew |

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| Uterine grand-father | Shares equally | When the heirs are grandparents and brothers or sister from the mother's side (uterine), the estate is divided among them equally, though they are of different genders. |
| **HEIR** | **%** | **SHARE** |
| Germane Sister | ½ | When the deceased is also survived by a consanguine sister(s) from the father's side, in addition to his germane sister |
| Germane Sister | 0% | When there are descendants or a father |
| Germane sisters | They share 100% equally | When there are several real sisters alone, they divide the property equally among themselves |

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| Consanguine (half) sister on father's side | 0% | When the deceased is survived by descendants or a father |
| Consanguine (half) sister on father's side | 1/6 | When the deceased has a germane (full) sister |
| Consanguine sister on father's side | They share 2/3 equally | When there is more than 1 consanguine sister |
| Consanguine sister on father's side | 0% | When there is 1 germane sister and agnatic granddaughter of the deceased (son's daughter) |
| Consanguine (half) sister on mother's side | 0% | When the deceased is survived by descendants or a father |

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| Consanguine sister | 0% | When there are real (germane) brothers and sisters, together with half brothers and sisters, and one half-brother or one half-sister from maternal side (uterine), the paternal brothers and sisters will not inherit. (The estate will be divided into 6 parts, from which one part will be inherited by the maternal brother or sister, and the remaining 5 parts will be divided by the real brothers and sisters among themselves, in such a manner that every brother will get double the share of every sister.) |
| Consanguine sister | ½ the share of the consanguine brother | When there is a paternal brother and sister, and several maternal brothers and sisters, the estate will be divided into 3 parts: 1/3 |

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| | FROM THE 2/3 SHARE OF THE ESTATE | WILL BE SHARED AMONG THE MATERNAL BROTHERS AND SISTERS EQUALLY, AND THE REMAINING 2/3 WILL BE DIVIDED AMONG THE PATERNAL BROTHERS AND SISTERS, IN SUCH A MANNER THAT EVERY BROTHER GETS DOUBLE THE SHARE OF EVERY SISTER. |
| UTERINE SISTER | SHARES EQUALLY | WHEN THERE ARE GRANDPARENTS AND BROTHERS OR UTERINE SISTER, THE ESTATE IS DIVIDED AMONG THEM EQUALLY, THOUGH THEY ARE OF DIFFERENT GENDERS. |
| CONSANGUINE SISTER ON FATHER'S SIDE | 0% | WHEN THERE ARE TWO OR MORE GERMANE (FULL) SISTERS |
| CONSANGUINE SISTER ON FATHER'S SIDE | 0% | WHEN THERE IS A GERMANE BROTHER |

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| Uterine sister | Shares 1/6 equally | When her deceased sibling dies as kalala, and also leaves a uterine brother |
| Uterine sister | 1/6 | When she is the only uterine sister of the deceased |
| Uterine sister | Shares 1/3 equally | When their deceased uterine sibling dies as kalala, and leaves more than one uterine sister or brother |
| Germane sisters | Share 2/3 equally | When a man dies (their brother) and leaves no child, and they (germane sisters) are the only heirs |
| Germane sister | 1/2 | When a man dies (her brother) and leaves no child, and the she is the only heir |
| Germane sisters | 1/2 share of a male | When a man dies (their brother) and leaves no child, and they (germane brothers and sisters) are the only heirs |

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| Germane sister | 1/5 – half the share of her two brothers | When there are two real brothers and one real sister, the property will be divided into 5 parts, and each brother will get 2 parts while the sister will get one |
| Consanguine sister on father's side | 1/2 share of a male | When there are paternal half-brothers together with paternal half-sisters, every brother gets double the share of every sister. |
| Consanguine sister on father's side | 1/2 | When there is only 1 consanguine sister |
| Uterine half-sister | 100% she gets the entire estate | When there is one uterine half-sister as sole heir |
| Uterine sisters | Share equally | When there are several maternal brothers alone, or several maternal sisters alone, or both of them together, the estate is divided equally among them. |

| HEIR | % | SHARE |
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| Father | 1/6 | When a Muslim man (his son) has left Muslim children or Muslim agnate grandchildren as heirs |
| father | 100% of what remains as an asaba | When the deceased Muslim (his son) has no Muslim children or Muslim agnate descendants |
| Father | 2/3 | If sole heir with mother |
| Father | 1/6 plus residue | When there is only a Muslim daughter or Muslim agnate granddaughter, etc. and no Muslim son or agnate Muslim grandson<br><br>(Daughter gets ½ or 2/3 when two or more, and Muslim agnate granddaughter gets 1/6) |

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| Father | | According to Imam Bukhari and Imam Muslim, the presence of father deprives even the brothers of their share in the inheritance. |
| Father | 0% inherits only as asaba | When his deceased son has no child |
| HEIR | % | SHARE |
| Aunts and Uncles | Uncle gets twice the share of the aunt | Inherit only when there are no Muslim parents or grandparents of the deceased |
| Aunts and Uncles | 100% | When the only heir of deceased is one paternal uncle or aunt |

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| Aunts and Uncles | They Share Equally | When there are paternal uncles alone, or aunts alone that are all real or paternal brothers and sisters of the father of the deceased |
| Aunts and Uncles | Male gets twice the share of a female | When there are several paternal uncles together with the aunts of the deceased, and all of them are the real or the paternal brothers and sisters of the deceased's father, the paternal uncle will get twice the share of the paternal aunt. |
| Aunts and Uncles | They Share Equally | When there are several maternal uncles or aunts, |

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| Aunts and Uncles | Male gets twice the share of a female | When there are maternal uncles together with the maternal aunts, the uncles will receive twice the share of the aunts |
| Aunts and Uncles (paternal half brothers and sisters of the deceased's father) | 0% | When the heirs of deceased are his paternal uncles and paternal aunts, some of whom are the real brothers and sisters of his father, while others are paternal or maternal half brothers and sisters of his father, those who are paternal half brothers and sisters will not inherit anything |
| A paternal uncle or aunt who is the uterine half-brother or sister of the deceased's father | 1/6 | When the deceased is survived by their full real paternal uncles and paternal aunts |

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| FULL REAL PATERNAL UNCLES AND PATERNAL AUNTS OF THE DECEASED | 5/6 (THE RESIDUE AFTER A PATERNAL UNCLE OR AUNT WHO ARE THE MATERNAL HALF-BROTHER AND HALF-SISTER OF THE DECEASED'S FATHER GET THEIR 1/6 SHARE) | WHEN THE DECEASED IS SURVIVED BY ONE PATERNAL UNCLE OR ONE PATERNAL AUNT, WHO ARE THE MATERNAL HALF-BROTHER AND HALF-SISTER OF THE DECEASED'S FATHER |
| A PATERNAL UNCLE OR AUNT WHO IS THE UTERINE HALF-BROTHER OR SISTER OF THE DECEASED'S FATHER | 5/6 (THE RESIDUE AFTER A PATERNAL UNCLE OR AUNT WHO ARE THE MATERNAL HALF-BROTHER AND HALF-SISTER OF THE DECEASED'S FATHER GET THEIR 1/6 SHARE) | WHEN THE DECEASED HAS NO REAL FULL PATERNAL UNCLES AND REAL FULL PATERNAL AUNTS |

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| Real paternal uncles and real paternal aunts of the deceased, who are the half-paternal brothers and sisters of his father | 2/3 | When there are paternal uncles together with paternal aunts who are the maternal half brothers and sisters of the deceased's father |
| Paternal uncles and aunts of the deceased who are the maternal half-brothers and sisters of his father | 1/3 | When there are paternal uncles and aunts together who are the maternal half brothers and sisters of the deceased's father |

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| MATERNAL UNCLE OR MATERNAL AUNT | 100% | If a deceased has only one maternal uncle or maternal aunt, he or she inherits the entire estate |
| MATERNAL UNCLE TOGETHER WITH THE MATERNAL AUNT | Male gets twice the share of a female | When there is a maternal uncle along with a maternal aunt (whether they be the full, or the paternal, or the maternal half brothers and sisters of the deceased's mother) |
| Aunts and Uncles | Male gets twice the share of a female | When the heirs of the deceased are one or several maternal uncles and aunts from the mother's side, and full maternal uncles and aunts, together with maternal uncles and aunts from the father's side |

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| MATERNAL UNCLE OR MATERNAL AUNT OR BOTH OF THEM | 1/3 | When there is one or several maternal uncles or aunts, or maternal uncles together with maternal aunts, with one or several paternal uncles or aunts, or paternal uncles together with paternal aunts |
| PATERNAL UNCLE OR AUNT, OR BOTH OF THEM | 2/3 | When there are one or several maternal uncles, or one or several maternal aunts, or maternal uncles together with maternal aunts, with one or several paternal uncles or aunts, or paternal uncles together with paternal aunts |
| MATERNAL UNCLE OR THE MATERNAL AUNT | 1/3 | When there is one maternal uncle or aunt together with a paternal uncle and aunt, (full paternal uncle and aunt or related from the father's side) |

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| PATERNAL UNCLE AND AUNT | SHARE 2/3 (MALE GETS TWICE THE SHARE OF A FEMALE) | WHEN THERE IS ONE MATERNAL UNCLE OR AUNT TOGETHER WITH A PATERNAL UNCLE AND AUNT, (FULL PATERNAL UNCLE AND AUNT OR RELATED FROM THE FATHER'S SIDE) |
| MATERNAL UNCLE OR AUNT | SHARE 1/3 (MALE GETS TWICE THE SHARE OF A FEMALE) | WHEN THERE ARE ONE MATERNAL UNCLE OR AUNT TOGETHER WITH ONE PATERNAL UNCLE, OR ONE HALF PATERNAL AUNT RELATED FROM THE MOTHER'S SIDE TOGETHER WITH FULL OR HALF PATERNAL UNCLES AND AUNTS |
| PATERNAL UNCLES AND AUNTS | SHARE 2/3 (MALE GETS TWICE THE SHARE OF A FEMALE) | WHEN THERE IS ONE MATERNAL UNCLE OR AUNT TOGETHER WITH ONE PATERNAL UNCLE, OR ONE HALF PATERNAL AUNT RELATED FROM THE MOTHER'S SIDE TOGETHER WITH FULL OR HALF PATERNAL UNCLES AND AUNTS |

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| MATERNAL UNCLES AND AUNTS | 1/3 (MALE GETS TWICE THE SHARE OF A FEMALE) | WHEN THERE ARE SEVERAL MATERNAL UNCLES AND AUNTS, ALL OF WHOM ARE EITHER FULL OR RELATED FROM FATHER'S OR MOTHER'S SIDE, AND ALSO A PATERNAL UNCLE AND AUNT |
| PATERNAL UNCLE AND AUNT | THEY SHARE 2/3 (MALE GETS TWICE THE SHARE OF A FEMALE) | WHEN THERE ARE SEVERAL MATERNAL UNCLES AND AUNTS, ALL OF WHOM ARE EITHER FULL OR RELATED FROM FATHER'S OR MOTHER'S SIDE, AND ALSO A PATERNAL UNCLE AND AUNT |
| PATERNAL UNCLE AND AUNT | THEY SHARE 2/3 (MALE GETS TWICE THE SHARE OF A FEMALE) | WHEN THERE IS A MATERNAL UNCLE ONLY, OR HALF MATERNAL AUNTS RELATED FROM THE MOTHER'S SIDE TOGETHER WITH SEVERAL MATERNAL UNCLES AND AUNTS WHO ARE EITHER FULL OR HALF RELATED FROM FATHER'S SIDE, AND ALSO A PATERNAL UNCLE AND AUNT |

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| MATERNAL UNCLE ONLY, HALF MATERNAL AUNTS, MATERNAL UNCLES AND AUNTS WHO ARE EITHER FULL OR HALF RELATED FROM FATHER'S SIDE | THEY SHARE 1/3 (MALE GETS TWICE THE SHARE OF A FEMALE) | WHEN THERE IS A MATERNAL UNCLE ONLY, OR IF THERE ARE HALF MATERNAL AUNTS RELATED FROM THE MOTHER'S SIDE TOGETHER WITH SEVERAL MATERNAL UNCLES AND AUNTS WHO ARE EITHER FULL OR HALF RELATED FROM FATHER'S SIDE, AND ALSO A PATERNAL UNCLE AND AUNT |
| PATERNAL AND MATERNAL UNCLES AND AUNTS OF THE DECEASED'S MOTHER | THEY SHARE 1/3 (MALE GETS TWICE THE SHARE OF A FEMALE) | WHEN THERE ARE PATERNAL AND MATERNAL UNCLES AND AUNTS OF THE DECEASED'S FATHER, AND PATERNAL AND MATERNAL UNCLES AND AUNTS OF HIS MOTHER |

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| FATHER'S MATERNAL UNCLE AND AUNT | They share 1 part of the remaining 2/3 (male gets twice the share of a female) | When there are paternal and maternal uncles and aunts of the deceased's father, and paternal and maternal uncles and aunts of his mother |
| FATHER'S PATERNAL UNCLE AND AUNT | They share 2 parts of the remaining 2/3 (male gets twice the share of a female) | When there are paternal and maternal uncles and aunts of the deceased's father, and paternal and maternal uncles and aunts of his mother |

In conclusion, to eradicate any validity to the allegations/implication posed by some individuals either out of ignorance or deception, concerning the Quran being unfair and impracticle regarding its alloted shares to specific heirs, I have included explanations and examples from brothers Ansar Al-'Adl and Dr. Zakir Naik to serve this purpose.

Ansar Al-'Adl declared the allegation is as follows: "And it just doesn't add up: Sura 4:11-12 and 4:176 state the Qur'anic inheritance law. When a man dies, and is leaving behind three daughters, his two parents and his wife, they will receive the respective shares of 2/3 for the 3 daughters together, 1/3 for the parents together [both according to verse 4:11] and 1/8 for the wife [4:12] which adds up to more than the available estate. A second example: A man leaves only his mother, his wife and two sisters, then they receive 1/3 [mother, 4:11], 1/4 [wife, 4:12] and 2/3 [the two sisters, 4:176], which again adds up to 15/12 of the available property. The verses mentioned are the following: 4:11-12 Allah (thus) directs you as regards your Children's (Inheritance): to the male, a portion equal to that of two females; if only daughters, two or more, their share is two-thirds of the inheritance; if only one, her share is a half. For parents, a sixth share of the inheritance to each, if the deceased left a child; if no child, and the parents are the

(only) heirs, the mother has a third; if the deceased left brothers (or sisters) the mother has a sixth. The distribution in all cases (is) after the payment of legacies and debts. Ye know not whether your parents or your children are nearest to you in benefit. These are settled portions ordained by Allah; and Allah is All-knowing, All-wise. In what your wives leave, your share is a half, if they leave no child; but if they leave a child, ye get a fourth; after payment of legacies and debts. In what ye leave, their share is a fourth, if ye leave no child; but if ye leave a child, they get an eighth; after payment of legacies and debts. If the man or woman whose inheritance is in question, has left neither ascendants nor descendants, but has left a brother or a sister, each one of the two gets a sixth; but if more than two, they share in a third; after payment of legacies and debts; so that no loss is caused (to any one). Thus is it ordained by Allah. and Allah is All-knowing, Most Forbearing. 4:176 They ask thee for a legal decision. Say: Allah directs (thus) about those who leave no descendants or ascendants as heirs. If it is a man that dies, leaving a sister but no child, she shall have half the inheritance: If (such a deceased was) a woman, who left no child, Her brother takes her inheritance: If there are two sisters, they shall have two-thirds of the inheritance (between them): if there are brothers and sisters, (they share), the male having twice the share of

the female. Thus doth Allah make clear to you (His law), lest ye go astray. And Allah hath knowledge of all things.

1. The first major point to note is that there are two types of inheritors. The first category are those who have recieved a fixed inheritance, which includes the spouse and the parents. The second category includes those who take their share AFTER the shares of the first category are distributed. This includes siblings and children. So if we understand this, we know that the parents and the wife would recive their amount, and the daughters would get a share of what remains. This explanation on its own solves the problem, because:

- 1/3 for the parents together
- 1/8 for the wife
- And for the daughters 2/3 of what remains = 2/3 of 13/24=13/36 of the total amount

So what remains after is 13/72 of the original amount. This remaining portion is to be given to whoever the deceased person appointed as their heir. The deceased can choose to have it given in charity or to the local masjid etc. If they have not specified any destination for the remaining wealth then it is given to the closest male relative. After understanding this, it become clear that the allegation is based on ignorance of the

fact that siblings and children get the remaining wealth after the parents and spouse have taken their share. Islamic rulings come from both the Qur'an and the Sunnah.

2. Let us now address the specific claims. The first claim is that 2/3 (daughters) +1/3 (parents) +1/8 (wife) will add up to more than available. But the truth is that the Qur'an does not specify what the parents and the wife will recieve if there are three daughters. The Qur'an states that the parents get 1/6 each if the deceased left a child. And the wife gets 1/8 if the deceased left a child. Both times it is singular, but in the proposed scenario, there are three daughters, not one. Some confusion may have caused this misunderstanding because in some translations, the word walad (child) is mistranslated as children. But in most translations like Pickthall, Asad, Shakir, Daryabadi, Irving, etc. the word has been correctly translated in the singular form.

3. The second claim is that 1/3 (mother) + 1/4 (wife) + 2/3 (two sisters) also adds up to more than available. Again, one of the shares being used is not mentioned in the Qur'an. The number 2/3 is derived from verse 4:176, which speaks of a Kalalah, a man who leaves no descendants nor ascendants. In other words, the mother's share is not mentioned in this scenario. Verse 4:176 is for the deceased who does not have any children nor parents. So

the problem is once again, confusing values from different scenarios.

4. One may also object that in the case of a deceased with no descendants nor ascendants, verse 4:12 appears to allocate 1/6 of the wealth to the brother and sister each (or 1/3 together), while verse 4:176 gives 2/3 to the same group in the same scenario. The first point that may be mentioned in response to this is that verse 4:12 speaks of a brother and a sister, while verse 4:176 speaks of two sisters and no brothers. So again, this is a confusion of two different cases. Secondly, there is a prevalent interpretation mentioned in the tafsir that verse 4:12 speaks of a brother and sister from the mother, while verse 4:176 speaks of full siblings. It is mentioned by Ibn Kathir commenting on verse 4:12:

> Allah says, (But has left a brother or a sister), meaning, from his mother's side, as some of the Salaf stated, including Sa`d bin Abi Waqqas. Qatadah reported that this is the view of Abu Bakr As-Siddiq. Hence, this was how it was explained by Prophet Muhammad (P.B.U.H.) to his companions, and his Sunnah is a source of rulings in Islam. Some commentators take the view that verse 4:12 gives instructions on the inheritance for others that the deceased may nominate.

5. The last point that needs to be mentioned here is in regards to the inheritance of women in comparison to men. Many may wonder why the woman recives half of that given to the man. The answer has been provided by muslim scholars. Ibn Kathir explains in his tafsir: 'The people of Jahiliyyah used to give the males, but not the females, a share in the inheritance. Therefore, Allah commands that both males and females take a share in the inheritance, although the portion of the males is twice as much as that of the females. There is a distinction because men need money to spend on their dependants, commercial transactions, work and fulfillling their obligations. Consequently, men get twice the portion of the inheritance that females get.'"

Dr. Zakir Naik further elaborated on the matter of a male receiving twice the share of a female and stated: "In Islam a woman has no financial obligation and the economical responsibility lies on the shoulders of the man. Before a woman is married it is the duty of the father or brother to look after the lodging, boarding, clothing and other financial requirements of the woman. After she is married it is the duty of the husband or the son. Islam holds the man financially responsible for fulfilling the needs of his family. In order to do be able to fulfill the responsibility the men get double the share of the inheritance. For example, if a man dies and after giving the

shares of other relatives, if the children (i.e one son and one daughter) inherit Rs. One Hundred and Fifty Thousand, the son will inherit One Hundred Thousand rupees and the daughter only Fifty Thousand rupees. Out of the one hundred thousand which the son inherits, as his duty towards his family, he may have to spend on them almost the entire amount or say about eighty thousand and thus he has a small percentage of inheritance, say about twenty thousand, left for himself. On the other hand, the daughter, who inherits fifty thousand, is not bound to spend a single penny on anybody. She can keep the entire amount for herself. Would you prefer inheriting one hundred thousand rupees and spending eighty thousand from it, or inheriting fifty thousand rupees and having the entire amount to yourself?"